

# REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE



## “THE ISLAMABAD HIGH COURT (AMENDMENT) BILL, 2016”

**Report No. 27**

**PRESENTED BY**

**SENATOR MUHAMMAD JAVED ABBASI  
CHAIRMAN**

## SENATE SECRETARIAT

### REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE ISLAMABAD HIGH COURT (AMENDMENT) BILL, 2016"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Islamabad High Court (Amendment) Bill, 2016" as passed by the National Assembly and introduced in the Senate on 7<sup>th</sup> October, 2016. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

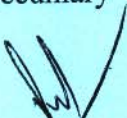
2. The composition of the Standing Committee on Law and Justice is as under:-

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Aitzaz Ahsan	Member
3.	Senator Saleem Zia	Member
4.	Senator Dr. Muhammad Ali Khan Saif	Member
5.	Senator Syed Muzafar Hussain Shah	Member
6.	Senator Nehal Hashmi	Member
7.	Senator Ms. Ayesha Raza Farooq	Member
8.	Senator Nawabzada Saifullah Magsi	Member
9.	Senator Saeed Ghani	Member
10.	Senator Zaheer ud Din Babar Awan	Member
11.	Senator Mrs. Zahida Khan	Member
12.	Senator Farooq Hamid Naek	Member
13.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 31st October, 2016, under the Chairmanship of Senator Muhammad Javed Abbasi, which was attended by the following hon'ble Members:-

- i. Senator Saleem Zia
- ii. Senator Dr. Muhammad Ali Khan Saif
- iii. Senator Nawabzada Saifullah Magsi


4. The Minister for Law and Justice briefed the Committee and stated that under the proviso to section 4 of the Islamabad High Court Act, 2010 (XVII of 2010) the Islamabad High Court had the original jurisdiction in suits and proceedings having pecuniary value of ten million rupees or more. Later, this pecuniary jurisdiction was




enhanced from ten million to one hundred million rupees. However, work-load of the Islamabad High Court has increased in view of the high prices of properties in the Islamabad Capital Territory. Pecuniary jurisdiction of the Islamabad High Court is also not in consonance with the pecuniary jurisdiction of the High Court of various other Provinces. Moreover, as per Article 193 (3) of the Constitution 'District Judge' means Judge of Principal Civil Court of original jurisdiction which envisages that District Judge, and not the High Court, may have the original jurisdiction. It has, therefore, been proposed that the proviso to the section 4 of the said Act may be deleted. The proposed amendment will bring the jurisdiction of the Islamabad High Court and Civil Courts in Islamabad Capital Territory in consonance with High Courts and Civil Courts of the other Provinces and also reduce work-load of Islamabad High Court.

5. The Committee held extensive discussions and unanimously supported the proposed amendment envisaged in the instant Bill. The Committee was of the opinion that all efforts should be made to provide inexpensive and speedy justice to the people of Pakistan.

6. In terms of paragraph 5, the Committee recommends that the "The Islamabad High Court (Amendment) Bill, 2016", as passed by the National Assembly and introduced in the Senate, may be passed by the Senate of Pakistan. (Copy of Bill as passed by the National Assembly and introduced in the Senate is annexed)



(Rabeeah Anwar)  
J.S / Secretary Committee



( Senator Muhammad Javed Abbasi)  
Chairman

[AS PASSED BY THE NATIONAL ASSEMBLY]

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BILL

*further to amend the Islamabad High Court Act, 2010*

WHEREAS it is expedient further to amend the Islamabad High Court Act, 2010 (XVII of 2010), for the purpose hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**— (1) This Act may be called the Islamabad High Court (Amendment) Act, 2016.

(2) It shall come into force at once.

2. **Amendment of section 4, Act XVII of 2010.**— In the Islamabad High Court Act, 2010 (Act XVII of 2010), in section 4, for the colon at the end, a full stop shall be substituted and thereafter the proviso shall be omitted.

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## STATEMENT OF OBJECTS AND REASONS

Under the proviso to section 4 of the Islamabad High Court Act, 2010 (XVII of 2010) the Islamabad High Court had the original jurisdiction in suits and proceedings having pecuniary value of ten million rupees or more. Later, this pecuniary jurisdiction was enhanced from ten million to one hundred million rupees. However, work-load of the Islamabad High Court has increased in view of the high prices of properties in the Islamabad Capital Territory. Pecuniary jurisdiction of the Islamabad High Court is also not in consonance with the pecuniary jurisdiction of the High Court of various other Provinces. Moreover as per Article 193 (3) of the Constitution 'District Judge' means Judge of Principal Civil Court of original jurisdiction which envisages that District Judge, and not the High Court, may have the original jurisdiction. It has, therefore, been proposed that the proviso to the section 4 of the said Act may be deleted. The proposed amendment will bring the jurisdiction of the Islamabad High Court and Civil Courts in Islamabad Capital Territory in consonance with High Courts and Civil Courts of the other Provinces and also reduce work-load of Islamabad High Court.

2. The Bill is designed to achieve the aforesaid object.

**Minister-in-Charge**